

### **Introduction**

1. My name is Laurence D. Lieb. I am the President of Tyger Forensics Inc., which provides, among other things, computer forensics and electronic discovery services to litigation attorneys and their clients. I am a Passmark OSForensics Certified Examiner and a Magnet Forensics Certified Examiner. I am also a licensed private investigator in the State of Michigan.

2. To obtain my certification as an OSForensics Certified Examiner, I passed a certification testing process provided by Passmark. To remain certified, I am required, from time to time, to retrain and pass certification examinations for new software versions. A true and exact copy of my certification is attached as part of **Exhibit A** and incorporated by reference.

3. To obtain my certification as a Magnet Forensics Certified Examiner, I undertook online training led by Magnet Forensics. To remain certified, I am required, from time to time, to retrain and pass certification examinations for new software versions. A true and exact copy of my certification is attached as part of **Exhibit B** and incorporated by reference.

4. I counsel and assist clients in the preservation, extraction, and analysis of electronic data, using industry-standard practices, based on evidence personally analyzed, and form expert opinions regarding human interaction with electronic data from smartphones, computers, cloud-based sources, and a myriad of other electronic devices. I have been retained for this type of work around the country by numerous clients, as described in my curriculum vitae, which is attached as **Exhibit C**.

5. I have been retained by Ecolab, and its counsel, Fisher & Phillips LLP, to provide expert opinions regarding my forensic analysis of electronically stored information in the litigation titled *Ecolab Inc., and Nalco Company, LLC d/b/a Nalco Water, an Ecolab Company and/or Nalco*

*Water v. Jessica Grailer*, pending in the United States District Court Western District of Wisconsin (the “Litigation”).

6. My hourly rate for this matter varies by task as follows: for pure forensic analysis & reporting, \$350 per hour; for written declarations, depositions, and other sworn testimony, \$450 per hour. My fees are unrelated to the outcome of the Litigation. My curriculum vitae, attached as **Exhibit C**, lists my testimonial experience for the last four years and all my publications for the last ten years.

7. This report is based on my personal knowledge, experience, and expertise in the area of forensic analysis of electronic devices. It is also based on my review of the documents and information contained within Ecolab former employee, Jessica Grailer’s former Ecolab work laptop, Ecolab work iPhones, Ecolab email and OneDrive account contents, and Ecolab’s digital loss prevention tool, Digital Guardian, and related report that captures Jessica Grailer’s human interaction with Ecolab’s files.

8. It is my understanding that the plaintiffs in this case are Ecolab, Inc. and Nalco Company, LLC (“Plaintiff”), and that the defendant is a former employee of Plaintiff named Jessica Grailer (“Grailer”). The claims pleaded by the Plaintiff, include (1) theft of trade secrets in violation of the Defend Trade Secrets Act, (2) violations of the Wisconsin Trade Secret Act, (3) violations of the Computer Fraud and Abuse Act, and (4) a claim for breach of contract of an employment agreement entered into by Grailer. Among other allegations, Plaintiff alleges that Grailer misappropriated trade secrets and other confidential information from Ecolab.

9. I reserve the right to render additional opinions, to supplement or amend the opinions in this report, and to provide additional grounds for those opinions based on my ongoing analysis of the materials provided to me or as may be required by events that occur during the

course of this Litigation, including but not limited to responding to or analyzing positions taken by Grailer or her experts.

### **Forensic Preservation**

10. It is critical to use “Best Practices” when conducting a forensic examination. “Best Practices” are defined as use of industry-standard chain of custody forensic software that will preserve and maintain which specific person has sole control over a specific single source of electronic evidence up to a time and date certain. It also includes the use of tools and methodologies that do not make changes to the underlying electronic evidence in any way. If the proper standardized software is not used, it can result in the underlying data being changed or otherwise distorted. The software, tools, and methodologies that I used to conduct my forensic examination comport with these “Best Practices.”

11. I used a Tableau TX1 Versions 22.1.0 forensic duplicator to create a bit for bit forensic image of Jessica Grailer’s HP Elitebook HSN-104C S/N 5CG8471D6W (“Ecolab Laptop”). I used Cellebrite UFED 4PC to create a forensic image of Jessica Grailer’s iPhone XR (A1984) S/N: DX3CW3W0KXKN (“iPhone XR”). Both the Tableau TX1 and Cellebrite are industry standard forensic tools.

12. Ecolab employs a data loss prevention tool, Digital Guardian, to journal Ecolab employees’ interactions with Ecolab files, specifically to capture and memorialize unauthorized exfiltration of files, such as the downloading and copying of Ecolab files to external USB media, uploading of Ecolab files to non-Ecolab cloud storage services, and the emailing of Ecolab files to third party email accounts. Digital Guardian is designed specifically to record the exfiltration of company files by employees.

### **Jessica Grailer Wiped Her Ecolab iPhone 6S Before Returning the Phone to Ecolab**

13. Tyger Forensics was also provided with Jessica Grailer's company issued iPhone 6S, serial number 9&30a71d7&1&0000 ("iPhone 6S"), but Ms. Grailer had performed a factory reset of her iPhone 6S prior to returning the phone to Ecolab and Tyger Forensics. By virtue of performing a factory reset of her iPhone 6S, Ms. Grailer destroyed beyond recovery data contained within the iPhone 6S.

14. However, forensic analysis of the Ecolab Laptop revealed Jessica Grailer connected the iPhone 6S to her Ecolab Laptop on 1/8/2023 9:39:51 PM<sup>1</sup>. Therefore, and given this timing, it is my opinion that Jessica Grailer performed a factory reset of the iPhone 6S on January 9, 2023 or January 10, 2023 before returning the wiped phone to Ecolab on January 11, 2023.

#### **Chain of Custody Documentation**

15. Chain of Custody means "control" and a chain of custody document records when custody and control over evidence transfers from one party to another.

16. Jessica Grailer returned her Ecolab laptop, an HP EliteBook model HSN-104C, serial number 5CG8471D6WA ("Ecolab Laptop"), to Ecolab on January 10, 2023. I have attached a true and exact copy of the chain of custody form signed and dated on January 10, 2023 by Jessica Grailer as **Exhibit D**. This chain of custody document proves that Jessica Grailer no longer had custody or control over her Ecolab Laptop, iPhone XR and iPhone 6S after January 10, 2023.

#### **Jessica Grailer Exfiltrated Multiple Ecolab Files from Ecolab On January 8, 2023 Using A Emtec USB Drive**

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<sup>1</sup> LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)\_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Windows\System32\config\SYSTEM.  
ControlSet001\Enum\USB\VID\_05AC&PID\_12A8&MI\_00\9&30a71d7&1&0000

17. Forensic analysis of the Ecolab Laptop revealed Jessica Grailer last connected an Emtec 32GB, serial number 070B4A71ADB22353, USB Drive (“Emtec Drive”) to her Ecolab Laptop on 1/8/2023 9:39:51 PM<sup>2</sup>.

18. Forensic analysis of the Ecolab Laptop revealed Jessica Grailer accessed and exfiltrated multiple files on January 8, 2023, including the 259 files described in **Exhibit E**<sup>3</sup>. Based on a forensic analysis, it is my opinion that the 259 exfiltrated files were copied by Jessica Grailer to the Emtec Drive on January 8, 2023.

19. Forensic analysis of the Ecolab Laptop also revealed that Jessica Grailer accessed multiple additional files and folders in rapid succession on January 8, 2023. I have included six screenshots of the Ecolab Laptop which display the files and folders accessed by Jessica Grailer on January 8, 2023 as **Exhibit F**. Due to the fact that it is impossible for a human being to access and open hundreds of files within seconds of each other, it is my opinion that Jessica Grailer copied these files and folders to the Emtec Drive on January 8, 2023 in addition to the files described in **Exhibit E**.

**Jessica Grailer Deleted A Significant Number of Files From Her Ecolab Laptop  
On the Evening of January 8, 2023**

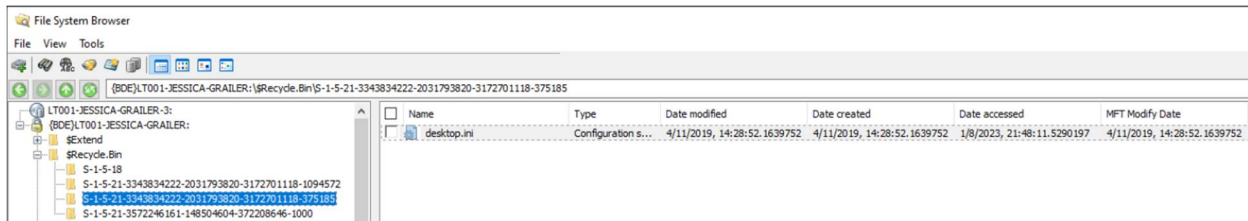
20. Forensic analysis of the Ecolab Laptop also revealed the fact that Jessica Grailer deleted hundreds of files from her Ecolab Laptop on the evening of January 8, 2023. I have included a list of files that were deleted on the evening of January 8, 2023 as **Exhibit G**.

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<sup>2</sup> LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)\_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Windows\System32\config\SYSTEM.  
ControlSet001\Enum\USB\VID\_6557&PID\_4200\070B4A71ADB22353

<sup>3</sup> LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)\_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\\$\Extend\$\UsnJrnl:\$J

21. Forensic analysis revealed the fact that Jessica Grailer emptied her Ecolab Laptop's recycle bin late in the evening on January 8, 2023 after deleting files. I have included the below screenshot taken directly from the Ecolab Laptop, which shows that the Ecolab Laptop's recycle bin was empty at the time the Ecolab Laptop was returned to Ecolab by Jessica Grailer.



### **Jessica Grailer Later Accessed Her Ecolab OneDrive Account With An Undisclosed Personal Computer**

22. Ecolab preserved an Office365 User Activity Log ("Log") capturing the fact that a person (whom I assume to be Jessica Grailer) accessed her former Ecolab OneDrive account on January 11, 2023, January 12, 2023, January 13, 2023, January 14, 2023, January 15, 2023, January 16, 2023, January 17, 2023 and January 18, 2023 using an undisclosed computer ("Undisclosed Computer"). Jessica Grailer no longer had access to her Ecolab Laptop as of January 10, 2023 and therefore must have accessed her former Ecolab OneDrive account using an Undisclosed Computer. I have included a true and exact copy of the Log containing Jessica Grailer's activity as **Exhibit E**.

23. Further, and as seen in Exhibit E, Jessica Grailer accessed files stored in her Ecolab OneDrive account on January 15, 2023 using the Undisclosed Computer. I have included a list of twenty files in **Table 1** below.

**Table 1 – Files Accessed By Jessica Grailer on January 15, 2023**

FILE NAME
NA F&B NW CONTACT SHEET SALES ROSTER AND MAPS JANUARY 2023.pdf
FBMN Regions 1.06.2023.pdf
Renewable Energy Service Report 2-08-2022_20220208.pdf
Customer_Face_Presentation_Renewables_-_DEC22[1].pptx
Nalco SW3220.docx
PORTA-FEED Program (B-307).pdf
Nalco 73002.docx
SW3220_NOP_CWA_EN.pdf
PC-67 EN.pdf
XL-3L RO-NALCO.pdf
B-775.pdf
PermaClean PC-67 Membrane Cleaning Compound.pdf
Renewable Energy Service Report 1-26-2022_20220126.pdf
NALCO 7399 CorrosionScale Inhibitor.docx
Product Registration_NRCP_GR.pdf
Microsoft PowerPoint - 2018 - CIO2 Program Selection March 2018.pdf
NALCO 60510 A LAZON Technology Program.docx
NALCO 2513 Corrosion Inhibitor CPP.docx
SW3220 EN.pdf
PermaClean PC-67 Membrane Cleaning Compound.docx

24. The Log also contains evidence that Jessica Grailer attempted to access her former Ecolab OneDrive account on January 11, 2023, January 14, 2023, and January 16, 2023, using a personally owned Apple iPhone 12 Mini, but was unable to login to the account using her Apple iPhone 12 Mini.

25. Ecolab controls access to Ecolab's Microsoft Office365 email and OneDrive system, in part, by approving specific computers or phones. Jessica Grailer's personally owned Apple iPhone 12 Mini was never approved as a device able to access Ecolab's systems, which is why the Log shows her "UserLogin" "Failed".

26. Despite this issue, Jessica Grailer gained access to her former Ecolab account using the Undisclosed Computer successfully on the multiple dates described above in paragraph 11. Therefore, the Undisclosed Computer Jessica Grailer used to access her former work account must have been approved as a device which would be allowed to access Ecolab's systems.

27. It is my expert opinion that Jessica Grailer was in possession of, at a minimum, the Ecolab files listed in Table 1 above on January 15, 2023.

28. Forensic analysis of Jessica Grailer's Undisclosed Computer using any industry standard forensic tool will easily show if this Emtec drive was also connected to the Undisclosed Computer and which files, if any, Jessica Grailer interacted with using her Undisclosed Computer

29. I have been informed that the Court ordered Jessica Grailer to make her Apple iPhone 12 Mini available for forensic inspection. However, the Ecolab OneDrive Log shows that Jessica Grailer's attempts to login to her former Ecolab OneDrive using her personal Apple iPhone 12 Mini on multiple dates after termination failed due to the fact that her phone was an unapproved device.

30. On the other hand, the Ecolab OneDrive Log shows that Jessica Grailer successfully logged in and opened and deleted files on multiple dates after her resignation on January 8, 2023, and through the use of an Undisclosed Computer.

31. I have been informed that Jessica Grailer claims that she lost or no longer possesses the Emtec USB drive referenced in this report.

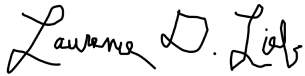
32. Tyger Forensics charges \$500.00 to create a forensic image of a computer, an additional \$750.00 to generate an industry standard forensic database in order to enable forensic analysis of the computer, and would then require 30 minutes of forensic analysis to determine if the Emtec USB drive was ever connected to the Undisclosed Computer or Jessica Grailer's new



ChemTreat work computer; industry standard forensic tools automatically investigate and report on which USB drives have ever been connected to a given computer including makes, models, serial numbers, dates of first insertion, and dates of last insertion. Therefore, Jessica Grailer and ChemTreat's computer forensic expert could confirm whether or not the Emtec USB drive was ever connected to the Undisclosed Computer or Jessica Grailer's new ChemTreat work computer for \$3,000.00-\$4,000.00 at the most.

Dated: November 13, 2023

Respectfully submitted,

A handwritten signature in black ink that reads "Laurence D. Lieb". The signature is written in a cursive, flowing style.

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Laurence D. Lieb